

Case No. 13-05032-CV-SW-DGK

JURY INSTRUCTIONS REJECTED

INSTRUCTION NO. A

The Court does not mean to limit your consideration of cause to only human evidence of AIH. You may consider all the evidence that you have heard.

Instruction B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION

JODELLE L. KIRK

Plaintiff,

v.

SCHAEFFLER GROUP USA, INC., *et al.*,

Defendants.

Case No: 3:13-cv-05032-DGK

DEFENDANTS' PROPOSED VERDICT FORM

1. Has Plaintiff Jodelle L. Kirk proven by a preponderance of the evidence that FAG Bearings was negligent (meaning that it failed to use the degree of care that an ordinarily careful company would use under the same or similar circumstances) in its handling, use, or disposal of TCE at the Joplin plant?

___ Yes ___ No

2. Has Plaintiff Jodelle L. Kirk proven by a preponderance of the evidence that FAG Bearings violated a specific legal requirement, as described in instruction ___?

___ Yes ___ No

If you answered yes to questions 1 or 2 proceed to answer question 3. If you did not answer yes to any of those questions, stop here, answer no further questions, and have the presiding juror sign and date this form.

3. Has Plaintiff Jodelle L. Kirk proven by a preponderance of the evidence that FAG Bearings directly caused her autoimmune hepatitis, meaning that:

- a) Plaintiff Jodelle L. Kirk was exposed to TCE in an amount significant enough to cause her autoimmune hepatitis; and
- b) There is a demonstrable relationship between TCE exposure and human autoimmune hepatitis (i.e., that exposure to TCE can cause autoimmune hepatitis in humans); and
- c) Plaintiff Jodelle L. Kirk has been diagnosed with autoimmune hepatitis; and
- d) Plaintiff Jodelle L. Kirk's autoimmune hepatitis is consistent with exposure to TCE; and
- e) FAG Bearings was responsible for the TCE alleged to have caused the autoimmune hepatitis diagnosed in Plaintiff Jodelle L. Kirk?

____ Yes ____ No

If you answered yes to question 3, answer question 4. If you answered no to question 4, stop here, answer no further questions, and have the presiding juror sign and date this form.

4. What amount of money will fairly and justly compensate Plaintiff Jodelle L. Kirk for damages you believe she sustained and is reasonably certain to sustain in the future as a result of her exposure to TCE?

\$ _____ (state the amount)

SIGNATURE OF JURY FOREPERSON

DATE